

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KONSTANTINOS APOSTOLOU

Plaintiff

v.

CIYT OF PHILADELPHIA

Defendant

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CIVIL ACTION

NO. 16-4812

O R D E R

AND NOW, this 15th day of July 2019, upon consideration of the *motion to quash plaintiff's trial subpoena* filed by non-party Sgt. Jay McLain ("Sgt. McLain"), [ECF 75], Plaintiff's response in opposition thereto, [ECF 77], Sgt. McLain's reply, [ECF 78], and Plaintiff's sur-reply, [ECF 81], it is hereby **ORDERED** that the motion is **GRANTED** with the following conditions:

1. Sgt. Jay McLain shall present himself for a videotaped trial deposition to be conducted by Plaintiff at a mutually agreed-upon date, time, and place to be completed no later than July 26, 2019.
2. The check for \$66.00 tendered by Plaintiff upon service of the quashed trial subpoena shall be the required payment to Sgt. McLain for one day's attendance and mileage.
3. Plaintiff shall be allowed to ask leading questions at the trial deposition pursuant to Federal Rule of Evidence 611(c)(2).
4. The parties (Plaintiff and Defendant) shall split all costs associated with the videotaped trial deposition, namely, the costs of: (a) the court reporter's expedited transcript; (b) the videographer at said deposition; (c) the disk, DVD, or CD of the deposition; (d) the presence of the videographer and any of his/her required personnel at trial to play the video to the jury; and video editing in accordance with the agreement of all counsel of the Court's order.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court